

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.607 OF 2007**

Shri Murlidhar Sambhaji Chandgude ...Applicant.
V/s.
The State of Maharashtra ...Respondent.

Shri K.S.Patil, adv. for the Applicant.
Shri Y.S.Shinde, APP for the Respondent/State.

**CORAM: J.H.BHATIA, J.
DATE : 7th March, 2007.**

P.C.:

1. Heard Mr.Patil, the learned counsel for the applicant and Mr.Shinde, the learned APP for the State.

2. The applicant, who was armed police constable was arrested in C.R.No.424 of 2006 registered with Wanwadi police station on a report lodged by one Raju Pille on 18-10-2006 seeks to be released on bail. As per the report, the first informant used to sell chinese food on his stall. On 17-10-2006 at about 11.00 p.m., the present applicant, who had official rifle with him, went to the stall of the said Raju Pille and asked him to supply chicken lollipop. Meanwhile, two other customers came there and placed the order for chicken fried rice. Raju Pille served those two customers first. Due to this, the present applicant got annoyed and threatened to show him as to what he was. Saying so

he fired from his gun by pointing the gun towards the ground due to which dust and sand of the ground was erupted and hit two customers. As per the F.I.R. two persons were injured not by any gun shot but by the sand. From the F.I.R. itself it is clear that the applicant did not fire towards any humanbeing but only towards the ground just to show his power. Intention was not to kill or injure anybody.

3. The learned APP opposes the bail. However, he also informed that the present applicant had been removed from the service. Taking into consideration the nature of the offence, I find that bail can not be refused.

4. The applicant be released on his executing P.R.Bond of Rs.10,000/- with surety in the like amount with condition that every Sunday he shall attend the Wanwadi police station between 4 to 6 p.m. till the end of the trial and shall not tamper with the prosecution evidence.

5. The application stands disposed off.

(J.H.Bhatia, J.)